



Federal Communications Commission  
Washington, D.C. 20554

December 11, 2007

**DA 07-4940**

**Released: December 11, 2007**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Gray Television Licensee, Inc.  
KXII(TV)  
1750 K Street, N.W.  
Suite 1200  
Washington, D.C. 20006

Re: Gray Television Licensee, Inc.  
KXII(TV), Sherman, TX  
Facility ID No. 35954  
File No. BRCT-20060403AYJ

Dear Licensee:

This refers to your license renewal application for station KXII(TV), Sherman, TX.

Under the Commission's rules implementing the Children's Television Act of 1990 (CTA),<sup>1</sup> each television broadcast station licensee has an obligation, during its license term, to air programming that serves the educational and informational needs of children through both the licensee's overall programming and programming "specifically designed" to educate and inform children (core programming).<sup>2</sup> The Commission's rules require commercial licensees to provide information to the public about the shows they air to fulfill their obligation. Section 73.3526(e)(11)(iii) of the Commission's Rules (the "Rules"), 47 C.F.R. § 73.3526(e)(11)(iii), requires each commercial television broadcast station to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children. As set forth in Section 73.3526(e)(11)(iii), licensees are also required to file the reports with the Commission and to publicize for the public the existence and location of the reports.

On April 3, 2006, you filed the above-referenced license renewal application for station KXII(TV). In response to Section IV, Question 10, you stated that, you failed to publicize the

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<sup>1</sup> Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394.

<sup>2</sup> 47 C.F.R. § 73.671.

existence and location of the Station's Children's Television Programming Reports, as set forth in Section 73.3526(e)(11)(iii) of the Rules.<sup>3</sup> In Exhibit 24, you indicated that, since you acquired station KXII(TV) in 1999, you have publicized the existence and location of the station's Children's Television Programming Reports through periodic on-air announcements. You claimed that in December 2005, you determined that "the contract providing for scheduling of on-air announcements regarding KXII's children's television reports was inadvertently dropped at some point in 2003." You reported that to the best of your knowledge, no such announcements were made "for at least part of 2003, 2004 and through November 2005." You argued that once this error was discovered, steps were taken to start publicizing the existence and location of the station's Children's Television Programming Reports in December 2005.

Based on the record before us, we think that an admonition is warranted for the station's failure to publicize the existence and location of the Children's Television Programming Reports. Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Section 73.3526(e)(11)(iii) of the Rules described in station KXII(TV)'s renewal application.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Gray Television Licensee, Inc. at the address listed above, and to its counsel, Kathleen Kirby, Esquire, Wiley Rein & Fielding LLP, 1776 K Street, N.W., Washington, D.C. 20006.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>3</sup> On June 29, 1999, the Commission granted an application to assign the license for station KXII(TV) from KXII Broadcasters, Ltd., to KXII Licensee Corp. (BALCT-19990429IA). That assignment transaction was consummated on October 1, 1999. On December 9, 2003, the Commission granted the *pro forma* assignment of the license for station KXII(TV) from KXII Licensee Corp., to Gray Television Licensee, Inc. That assignment transaction was consummated on December 31, 2003.